

**In the  
Indiana Supreme Court**

<b>IN RE SCHEDULE FOR</b>	)	
<b>SUBMISSION OF CASELOAD PLANS</b>	)	
	)	
<b>AND</b>	)	<b>Cause No.</b>
	)	
<b>AMENDED SCHEDULE FOR</b>	)	
<b>SUBMISSION OF LOCAL RULES</b>	)	

**ORDER APPROVING**

**SCHEDULE FOR SUBMISSION OF CASELOAD PLANS**  
**PURSUANT TO ADMINISTRATIVE RULE 1(E)**

**AND**

**AMENDED SCHEDULE FOR SUBMISSION OF LOCAL RULES**  
**PURSUANT TO TRIAL RULE 81**

The Indiana Supreme Court Division of State Court Administration tenders for our approval, pursuant to Administrative Rule 1(E), a *Schedule for Caseload Allocation Plans*, and pursuant to Trial Rule 81, an *Amended Schedule for Local Rules*. Said schedules are attached hereto and incorporated as part of this Order.

This Court finds that said schedules should be approved to be effective January 1, 2006.

IT IS, THEREFORE, ORDERED that the tendered schedules are hereby approved.

IT IS FURTHER ORDRED that the Clerk of the Court shall send a copy of this Order to each Clerk of the Circuit Court, to each judge of a trial court of record in Indiana, and to the Executive Secretary of the Indiana Judicial Center. The Clerks of the Circuit court shall cause this Order and schedule to be entered in the Record of Judgments and Orders of each trial court and shall post it in a public place for inspection by the local Bar and public.

DONE at Indianapolis, Indiana, this \_\_\_\_\_ day December, 2005.

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Randall T. Shepard  
Chief Justice of Indiana

All Justices concur.

## **Schedule and Format for Adoption of County Caseload Allocation Plans**

The Indiana Supreme Court Division of State Court Administration, an office of the Chief Justice of Indiana, is charged pursuant to Administrative Rule 1 of the Indiana Rules of Court with establishing and publishing a schedule for the submission and approval of local court rules implementing caseload allocation plans.

Administrative Rule 1(E), which is effective January 1, 2006, requires the courts of record in a county to develop and implement caseload allocation plans that ensure an even distribution of judicial workload among the courts in the county. The plans must reduce disparity in caseloads and judicial resources so that the utilization variance among the courts in the county, based on a weighted caseload measures system, does not exceed forty percentage points (40%). Courts must submit new plans or re-submit existing plans, if no changes are required, every other year.

Further, Trial Rule 81(C) requires that the Division of State Court Administration develop and publish a schedule for the adoption of all local court rules.

Pursuant to Admin. R. 1(E) and T.R. 81(C), the following schedule shall apply for the submission and approval of local rules governing caseload allocation plans.

### **1. Year Plans Must Be Developed**

Courts in counties whose 2004 weighted caseload statistics indicate a variance of forty percentage points (40%) or more must submit a plan in 2006. In developing their plans, those counties shall use 2005 statistics.

After 2006, the schedule for submission of caseload allocation plans shall follow the schedule of judicial district meetings which is set out in **Section 10**. Thus, beginning in 2007, courts whose district meetings are scheduled for that year must develop and submit caseload allocation plans.

Courts in counties that developed plans in 2006 and are scheduled for judicial district meetings in 2007 must revalidate their plans in 2007. If the 2006 statistics indicate that the caseload variance among these courts still exceeds 40%, such courts must submit a revised plan for correcting the variance. If the 2006 statistics indicate compliance with the 40% standard, these courts will not need to submit another plan until 2009.

### **2. Schedule**

The schedule for submitting caseload allocation plans shall follow the schedule for adoption of all local rules under Trial Rule 81 and is as follows:

**April 15** – Division of State Court Administration shall publish the WCL report based on the prior year caseload statistics.

**June 1** – Courts of record in the counties who are due to file caseload plans that year pursuant to **Section 10** below shall submit their plans to the Division of State Court Administration for publication and shall publish notice for comment pursuant to T.R. 81.

**July 1** – Close of comment period.

**July 2 to July 31** – Final approval of caseload plans by local courts.

**August 1** – Submission of locally approved caseload plans to Division of State Court Administration for approval pursuant to Administrative Rule 1 (E)(3).

**October 1** – Supreme Court action – approval, return with request for revisions, or rejection.

**November 1** – Revised plans due before Supreme Court.

**November 15** – Final Supreme Court action on resubmitted plans.

**January 1** of following calendar year – effective date of caseload plan.

### **3. Content of the Notice**

Not later than June 1 of each year, those courts obligated to prepare a caseload reallocation plan shall give notice to the bar and the public of the content of their proposed caseload allocation plan. The notice shall include:

- (a) Whether the plan is new or a resubmitted pre-existing plan;
- (b) The address to which comments should be sent;
- (c) That comments by the bar and public will be received until July 1;
- (d) That the trial courts will adopt, modify, or reject the plan by July 31;
- (e) That the plan will be submitted to the Indiana Supreme court by August 1;
- (f) That the plan shall not be effective until approved by the Supreme Court; and
- (g) That the effective date of the caseload plan shall be January 1 of the following year.

### **4. Publication of the Notice**

Publication of the notice is accomplished when the courts of a county provide the text of the caseload allocation plan to the county clerk and to the Division of State Court Administration in digital format. The county clerk shall post the notice in the county clerk's office(s) and on the county clerk's website, if any. The Division of State Court

Administration shall post the proposal on the Indiana Judicial website for public inspection and comment. The trial courts shall also give notice to the president and secretary (or similar officers) of any local bar association.

#### **5. Close of Comment Period**

The courts of the county shall accept comments for 45 days, until July 1. After July 1, the courts shall review and study the comments received and make any advisable changes to the proposed allocation plan.

#### **6. Adoption of Plan**

The courts of record in the county shall approve a single final caseload allocation plan for the courts on or before July 31.

#### **7. Supreme Court Approval**

(a) Not later than August 1, the courts shall submit to the Supreme Court Division of State Court Administration all newly adopted and re-adopted case allocation plans by sending a Request for Approval of Local Rules to the Clerk of the Indiana Supreme Court. The Clerk shall enter the Request in the Supreme Court Chronological Case Summary and shall forward the Request to the Division of State Court Administration. **(See Appendix A for a form Request for Approval of Local Rules.)**

(b) The Division of State Court Administration, with Supreme Court approval, will act upon Requests not later than October 1. The Division, with Supreme Court approval, may approve the proposal as submitted, approve a modified version, or reject the proposal.

Courts whose plans are rejected or returned with request for revisions shall have until November 1 to resubmit corrected plans.

(c) The Supreme Court order approving the Request for Approval of Caseload Allocation Plan shall be entered of record in the Record of Judgments and Orders of each local court in which it is effective.

(d) A Caseload Allocation Plan is not effective until the Supreme Court enters an order approving it.

#### **8. Effective Date Of Allocation Plans**

All caseload allocation plans shall become effective January 1 of the following year.

#### **9. Plans for Courts that Fail to Develop Plan.**

Not later than December 1, The Division shall report to the Supreme Court the counties, if any, where the courts have failed to develop a caseload allocation plan or the plan does not meet the requirements of Administrative Rule 1 so that the Court may determine a plan for such a county pursuant to Admin.R. 1(E).

#### **10. Year Caseload Plans Must Be Developed**

**a) 2006:** The following counties must prepare their caseload allocation plans in 2006.

Allen	Harrison	Marshall
Bartholomew	Henry	Porter
Cass	Howard	St. Joseph
Clark	Huntington	Scott
DeKalb	Knox	Shelby
Delaware	Kosciusko	Sullivan
Elkhart	Lake	Switzerland
Fayette	LaPorte	Tippecanoe
Grant	Madison	Vigo
Hamilton	Marion	Washington

**b) 2007:** The following counties must prepare their caseload allocation plans in 2007. Counties on this list that had their plan approved in 2006 shall revalidate their plans this year and submit a plan only if they continue to be out of compliance with the 40% standard.

#### **Districts 4, 7, 8, 9, 10, 12 & 14**

Benton	Harrison	Ripley
Boone	Hendricks	Rush
Carroll	Jefferson	Scott
Clark	Johnson	Shelby
Clay	Lawrence	Sullivan
Clinton	Marion	Switzerland
Crawford	Monroe	Tippecanoe
Dearborn	Montgomery	Union
Fayette	Morgan	Vermillion
Floyd	Ohio	Vigo
Fountain	Orange	Warren
Franklin	Owen	Washington
Greene	Parke	Wayne
Hamilton	Putnam	White
Hancock		

**c) 2008:** The following counties must prepare their caseload allocation plans in 2008.

Districts 1, 2, 3, 5, 6, 11 & 13

Adams	Huntington	Perry
Allen	Jackson	Pike
Bartholomew	Jasper	Porter
Blackford	Jay	Posey
Brown	Jennings	Pulaski
Cass	Knox	Randolph
Daviess	Kosciusko	Spencer
Decatur	LaGrange	St. Joseph
DeKalb	Lake	Starke
Delaware	LaPorte	Steuben
Dubois	Madison	Tipton
Elkhart	Marshall	Vanderburgh
Fulton	Martin	Wabash
Gibson	Miami	Warrick
Grant	Newton	Wells
Henry	Noble	Whitley
Howard		

These standards shall remain in effect until amended.

\_\_\_\_\_, 2005

Lilia Judson  
Executive Director  
Indiana Supreme Court Division of State Court Administration

## SECOND AMENDED SCHEDULE FOR ALL LOCAL COURT RULES

The Indiana Supreme Court Division of State Court Administration, a statutorily created office of the Chief Justice of Indiana, is charged pursuant to Trial Rule 81 with certain duties regarding the promulgation of local court rules. Those duties include establishing and publishing a uniform annual schedule for adoption and amendments of local rules, and a standard format for drafting, amending, and numbering local rules. In addition, Administrative Rule 1(E), which becomes effective January 1, 2006, requires that the Division establish and publish a schedule for the formation and adoption of local rules for caseload allocation plans.

In order to allow sufficient time for statewide statistical reports to be collected and compiled for use in the local caseload allocation plans and to maintain the same schedule for the promulgation of all local rules, this schedule is amended with additions indicated by underlining and deletions by strikethrough.

Effective January 1, 2007, all local rules in a county must apply in all courts of record in the county. However, after that date local rules may apply only to certain types of cases as long as they apply in all courts.

### **1. Schedule**

Pursuant to Trial Rule 81(C), the following schedule shall apply for local rules promulgated after January 1, 2005, except those that fall under the exception of T.R. 81(D).

Notice of proposed local rules <u>(Includes caseload allocation plans)</u>	<del>March 15</del> <u>June 1</u>
Close of Comment period	<del>May 1</del> <u>July 1</u>
Final <del>adoption</del> <u>approval by local courts</u>	<del>July 15</del> <u>July 2 to July 31</u>
Submission for Supreme Court approval (as to rules specified in Section 8)	August 1
Supreme Court <del>approval</del> <u>action</u> (as to rules specified in Section 8)	October 1
<del>Effective date</del> <u>Revised rules under Section 8 due before Supreme Court</u>	<del>January 1</del> <u>November 1</u>
<u>Final Supreme Court action on resubmitted rules under Section 8</u>	<u>November 15</u>



## **2. Content of the Notice**

Not later than ~~March 15~~ June 1 of each year the courts in any county desiring to adopt or modify local rules shall give notice to the bar and public of the content of any proposed additions, modifications, or deletions to local rules. The notice shall include:

- (a) the address to which comments should be sent;
- (b) comments by the bar and public will be received until ~~May 1~~ July 1;
- (c) the proposals will be adopted, modified, or rejected by ~~July 15~~ July 31; ~~and~~
- (d) the rules requiring Supreme Court approval will be submitted to the court by August 1;
- (e) that certain local rules (list) may not take effect until approved by the Supreme Court; and
- (d f) the effective date of the proposed rules shall be January 1 of the following year.

## **3. Standard Format for Drafting and Amending Local Rules**

All proposed local rules not yet effective shall be marked by new text shown by underlining and the deleted text shown by ~~striking~~. All rule modifications or additions must clearly indicate old and new language.

## **4. Publication of the Notice**

Publication of the notice is accomplished when the courts of a county provide the notice indicating the text of the proposed local rule(s) to the county clerk and to the Division of State Court Administration in digital format. The county clerk shall post the notice in the county clerk's office(s) and on the county clerk's website, if any. The Division of State Court Administration shall post the proposal on the Indiana Judicial Website for public inspection and comment. Notice shall also be given to the president and secretary (or, if none similar officers) of any local bar association.

## **5. Close of Comment Period**

The courts of the county shall accept comments for 45 days, until ~~May~~ July 1. After ~~May~~ July 1, the courts shall review and study the comments received and make changes to the proposed rules as deemed advisable.

## **6. Adoption of Local Rules**

The court shall adopt the final local rules on or before July ~~15~~ 31 of each year.

## **7. Effective Date of Local Rules**

All local rules, whether or not requiring Supreme Court approval, shall become effective January 1 of the following year.

## **8. Local Rules that Require Supreme Court Approval**

(a) Supreme Court approval is required only for local rules within any of the following categories:

- i. local rules for special judge selection in civil cases pursuant to T.R. 79(H);
- ii. local rules for assignment of criminal cases and selection of successor judges pursuant to Criminal Rule 2.2;
- iii. local rules regarding court reporter services pursuant to Administrative Rule 15;
- iv. local rules on case reallocation plans pursuant to ~~Weighted Caseload Measures system as ordered by Supreme Court Order on July 16, 1999.~~ Administrative Rule 1(E).

All courts of record in each county are required to have a common local rule in each of the above categories.

(b) Not later than August 1 of each year, the court shall submit to the Supreme Court all newly adopted local rules that require Supreme Court approval by sending a Request for Approval of Local Rules to the Clerk of the Indiana Supreme Court. (See Appendix A for a form Request for Approval of Local Rules.) The Clerk shall enter the Request in the Supreme Court Chronological Case Summary and shall forward the Request to the Division of State Court Administration.

(c) The Supreme Court will act upon Requests not later than October 1. The Supreme Court may approve the proposal as submitted, approve a modified version, or reject the proposal.

(d) The Supreme Court order approving the Request for Approval of Local Rules shall be entered of record in the Record of Orders and Judgments of each local court in which it is effective.

(e) A local rule requiring Supreme Court approval is not effective until the Supreme Court enters an order approving it- and until the local rule is posted pursuant to T.R. 81(D).

## 9. Uniform Numbering

The uniform local rule numbers shall consist of five (5) groups of characters. They shall (a) identify the draft as a local rule, (b) the county, (c) the Supreme Court rule set to which the local rule pertains, (d) the Supreme Court rule number to which the local rule refers, and (e) the local sequence. The five sets of characters shall be separated by dashes.

*(a) LR designation.* The first set of characters of a local court rule number shall be “LR” to indicate a local court rule.

*(b) County identifier.* The second set of characters of a local court rule number shall be a two-digit county identifier which comports with the county identifiers found in Administrative Rule 8.

The “LR” designation and county identifier shall be followed by a dash.

*(c) Rule sets and priority for organizing local rules.* The third set of characters of a local court rule number shall indicate the state rule set to which the local rule pertains. The rule set identifier shall consist of two letters and shall be as follows:

Rules of Trial Procedure	TR
Rules of Criminal Procedure	CR
Small Claims Rules	SC
Petitions for Post Conviction Relief	PC
Jury Rules	JR
Administrative Rules	AR
Trial De Novo Rules	DN

As a first preference and to the extent possible, local rules should be correlated to the Indiana Rules of Trial Procedure in content and numbering and should be designated as “TR.” Local rules that cannot logically fit within the context of the trial rules may be correlated to one of the remaining Supreme Court rule sets.

Local rules for domestic relations, trust/probate/guardianship and juvenile cases, which cannot logically fit into one of the Indiana Rules of Trial Procedure or one of the foregoing sets of Supreme Court Rules, may be designated as follows:

Family Law	FL
Trust/Probate/Guardianship	PR
Juvenile	JV

A court that proposes to promulgate local rules that cannot logically fall under the foregoing rule set designations should contact the Division of State Court Administration with suggestions and reasons for amendments to the foregoing rule sets.

**(d) State level rule set numbers.** The fourth set of characters of a local court rule number shall identify the state level rule set to which the local rule relates.

In the event a local rule relates to a state rule set but is purely of a local nature and has no corresponding number within the state rule set, the state rule number shall be “00” so that there is no possibility of duplication.

The state level rule set and rule number shall be followed by a dash.

**(e) Local sequence.** The fifth set of characters shall consist of any number of characters assigned by the local courts to indicate a local sequence.

*Example of an Adams County rule on criminal case assignment:  
LR01-CR2.2-1*

*Example of a Marion County rule on dress code:*

*LR49-AR00 -1 . A local rule regarding dress code would fit under the general context of the state level Administrative Rules (AR). However, because there is no state rule regarding dress code, the fourth set of characters would be “00.”*

These standards shall remain in effect until amended.

| ~~March 4, 2005~~ Last Amended November 30, 2005.

Lilia Judson

Executive Director

Indiana Supreme Court

Division of State Court Administration

**APPENDIX A**  
**TO LOCAL RULES SCHEDULE UNDER**  
**T.R. 81 AND ADMIN. R.1 (E)**

**In the**  
**Indiana Supreme Court**

IN THE MATTER OF	)	
	)	
REQUEST FOR APPROVAL	)	
	)	Case No.
OF LOCAL RULES	)	
	)	
FOR COURTS OF RECORD IN	)	
	)	
_____ COUNTY	)	

**REQUEST FOR APPROVAL OF LOCAL RULES**

The judges of the courts of record of \_\_\_\_\_ County have decided to adopt the local rules indicated below and request Supreme Court approval for the following local rules for which Supreme Court approval is required:

1. \_\_\_\_ Special judge selection rule pursuant to Trial Rule 79(H);
2. \_\_\_\_ Reassignment of criminal cases pursuant to Criminal Rule 2.2;
3. \_\_\_\_ Court reporter rule pursuant to Administrative Rule 15;
4. \_\_\_\_ Caseload allocation rule pursuant to Administrative Rule 1.

\_\_\_\_\_ The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81 (B) for not less than 45 days.

Or

\_\_\_\_\_ The local rule(s) indicated above are proposed for adoption without first being published for comment because good cause exists for the court(s) to deviate from the schedule established pursuant to T.R. 81. Upon approval by the Supreme Court, these local rules shall be published as required by TR 81 (D) and shall not be effective until so published for comment.

Accordingly, the judges of record of \_\_\_\_\_ County request approval of the above noted Local Rules.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

For the Courts of Record of \_\_\_\_\_ County

\_\_\_\_\_  
Typed name of submitting judge

\_\_\_\_\_  
Signature of submitting judge